



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Appellant: Daray) Art Unit: 2172
Serial No.: 09/998,269) Examiner: Chen
Filed: November 30, 2001) CA920000077US1
For: **CULTURALLY CORRECT ORDERING OF KEYED**) August 11, 2004
RECORDS) 750 B STREET, Suite 3120
San Diego, CA 92101

RECEIVED

AUG 19 2004

Technology Center 2100

This appeal brief is submitted under 35 U.S.C. §134. This appeal is further to Appellant's Notice of Appeal filed herewith.

Table of Contents

<u>Section</u>	<u>Title</u>	<u>Page</u>
(1)	Real Party in Interest	1
(2)	Related Appeals/Interferences	1
(3)	Status of Claims	1
(4)	Status of Amendments	2
(5)	Summary of Invention	2
(6)	Issues	2
(7)	Grouping of Claims	2
(8)	Argument	3
App.A	Appealed Claims	

(1) **Real Party in Interest**

The real party in interest is IBM Corp.

(2) **Related Appeals/Interferences**

No other appeals or interferences exist which relate to the present application or appeal.

(3) **Status of Claims**

Claims 1-27 are pending and finally rejected.

1176-10.APP

08/17/2004 ZJUHR1 00000032 090460 09998269

02 FC:1402

330.00 DA

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Invention

Using Claim 1 as an example, the invention is a method that includes reading a locale token that is associated with a set of records, with the locale token identifying a locale object having collation information. The method also includes using the locale object to locate and read the collation information. Further, the method includes creating a culturally correct collation key for data keys that are associated with the records, and using a culturally correct collation key to sort the set of records into a culturally correct sorted order.

(6) Issues

(a) Whether Claims 1, 4-6, 9, 10, 13-15, 18, 19, 22-24, and 27 are unpatentable under 35 U.S.C. §102 as being anticipated by Harvey, III et al., USPN 5,687,366 (hereinafter "Harvey").

(c) Whether Claims 2, 3, 7, 8, 11, 12, 16, 17, 20, 21, 25, and 26 are unpatentable under 35 U.S.C. §103 as being obvious over Harvey.

(7) Grouping of Claims

The claims are grouped according to issues (a) and (b) above owing to the different grounds of rejection.

(8a) Argument

Claims 1, 4-6, 9, 10, 13-15, 18, 19, 22-24, and 27 have been rejected under 35 U.S.C. §102 as being anticipated by Harvey, which teaches a system to cross locale boundaries in a database to provide services which, as correctly observed by the examiner and as set forth in Harvey's abstract, can include sorting services. However, Harvey does not undertake its sorting in the same way as the present claims. More specifically, unlike the present claims, the relied-upon objects of Harvey do not appear to contain culturally correct collation keys, whereas the present claims require culturally correct collation keys for respective data keys that are associated with data records, for use of the culturally correct collation keys in sorting the records.

It is true as the examiner points out that at col. 5, lines 43-47 Harvey teaches creating keys, but nowhere is it taught or suggested that these keys are collation keys, much less culturally correct collation keys as set forth in the present claims. Instead, as taught by Harvey the keys are derived from name and attribute tables so that the principal purpose of Harvey (retrieve services across locale boundaries "*irrespective of locale*") can be achieved. So this section of Harvey does not mention keys that are culturally correct and that can be used for collation.

The examiner has met the above points by additionally relying on col. 3, lines 33-41 and col. 8, lines 47-53. The first section teaches that the objects 101, 102, and 103 may provide sorting services, a point which Appellant does not dispute. This section then sets forth a somewhat enigmatic teaching, not plainly coupled to the objects 101, 102, and 103, that "an input method which may have been associated with a particular locale, and by extension, the script in which that locale is defined, may be used irrespective of identifiers resource type and resource ID values within a specific range for the script". Whatever this "input

method is", Harvey does not seem to further say. Certainly, it can be many things other than (and certainly does not teach or suggest) a culturally correct collation key.

Turning to the last section relied upon by the examiner, col. 8, lines 47-53 teach that a name subtable 703 is used to associate names with an object or file. A name, but evidently not the object or file, can be used as a key to specify a function such as "sort", but notably Harvey does not teach or suggest that the name itself can be used as a sorting key. Thus, this section of Harvey, like those discussed above, simply does not teach a culturally correct collation key, but rather something else.

Where the breakdown in logic in the rejection is this: a name that is in effect locale-independent can be correlated to a locale, but assigning a name to a locale does not make the name culturally correct. Moreover, a name that can be used to specify a function such as a sort does not make the name a collation key. The collation key would be contained in the object pointed to by the name, but the name itself is not a collation key.

(8b) Argument

Claims 2, 3, 7, 8, 11, 12, 16, 17, 20, 21, 25, and 26 have been rejected under 35 U.S.C. §103 as being unpatentable over Harvey. For the reasons set forth above, it appears that these dependent claims are patentable. Furthermore, the examiner freely admits that many of the limitations contained in the dependent claims are missing from Harvey, but that such limitations are "well known". While Appellant does not acquiesce in these characterizations, what is noteworthy is that the examiner nowhere explains where the missing elements, even if "well known", are suggested by the *prior art* not in a vacuum but in a context that would make it obvious to incorporate them with the remaining claim limitations.

Appellant also disputes that Harvey "must" have a comparator. For one thing, Harvey never makes this observation. Moreover, Appellant disputes that Harvey, col. 9 teaches the particular pointers and coded character sets recited in Claim 3. This column of Harvey does not appear to mention "pointer" or "character set".

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

APPENDIX A

1. A method performed on a computer system operationally coupled to computer readable memory for storing a set of records each having a data key, said method for sorting based on collation information of a particular culture pertaining to said set of records, comprising:
 - reading at least one locale token associated with the set of records, the locale token identifying at least one locale object having collation information;
 - using at least the locale object to locate and read the collation information;
 - creating at least one culturally correct collation key for at least some data keys associated with at least some records; and
 - using at least one culturally correct collation key, sorting the set of records into at least one culturally correct sorted order.
2. The method of claim 1, further including operating the computer system in a distributed computing environment.
3. The method of claim 2, further including:
 - using a pointer to locate the set of records; and
 - using the locale token to identify at least one coded character set.
4. The method of claim 1, wherein said set of records is structured.
5. The method of claim 4, wherein keyed records of said set of records each includes a data field.
6. The method of claim 4, wherein said locale token is appended to said set of records.
7. The method of claim 4, wherein the act of creating said culturally correct collation key is performed using at least one collation engine.
8. The method of claim 1, wherein at least one culturally correct collation key is collated using a comparator.
9. The method of claim 4, further including displaying said set of records.
10. A computer program product for use in a computer system operatively coupled to a computer readable memory, the computer program product including a computer-readable data storage medium tangibly embodying computer readable program code for directing said computer to sort a set of records each having a data key based on collation information of a particular culture pertaining to said set of records, said code comprising:
 - means for instructing said computer system to read a locale token associated with the set of records, the locale token identifying a preferred locale object having collation information;

means for instructing said computer system to use the preferred locale object to locate and read the collation information;

means for instructing said computer system to create a culturally correct collation key for each data key associated with the each record; and

means for instructing said computer system to use the created culturally correct collation keys to sort the set of records into a culturally correct sorted order.

11. The computer program product of claim 10 further comprising means for instructing said computer system to operate the computer system in a distributed computing environment.
12. The computer program product of claim 11 further comprising:
means for instructing said computer system to use a pointer to locate the set of records; and
means for instructing said computer system to use the locale token to identify a preferred coded character set.
13. The computer program product of claim 10 wherein said set of records is structured.
14. The computer program product of claim 13 wherein keyed records of said set of keyed records each includes a data field.
15. The computer program product of claim 13 further comprising means for instructing said computer system to append said locale token to said set of records.
16. The computer program product of claim 13 further comprising means for instructing said computer system to create said collation key using a collation engine.
17. The computer program product of claim 13 further comprising means for instructing said computer system to collate said key using a comparator.
18. The computer program product of claim 10 further comprising means for instructing said computer system to display said records.
19. A computer system operatively coupled to a computer readable memory, the computer system for sorting, based on collation information of a particular culture pertaining to said set of records, the computer system undertaking method acts comprising:
reading a locale token associated with the set of records, the locale token identifying a preferred locale object having collation information;
using the preferred locale object to locate and read the collation information;
creating a culturally correct collation key for each data key associated with the each record; and
using the created culturally correct collation keys to sort the set of records into a culturally correct sorted order.

20. The computer system of claim 19 wherein the method acts undertaken by the computer system further include configuring said system to operate in a distributed computing environment.
21. The computer system of claim 20 wherein the method acts undertaken by the computer system further include:
 - using a pointer to locate the set of records; and
 - using the locale token to identify a preferred coded character set.
22. The computer system of claim 19 wherein said set of records is structured.
23. The computer system of claim 19 wherein keyed records of said set of records each includes a data field.
24. The computer system of claim 19 wherein the method acts undertaken by the computer system further include configuring said system to append said locale token to said set of records.
25. The computer system of claim 19 wherein the method acts undertaken by the computer system further include configuring said system to create said collation key via a collation engine.
26. The computer system of claim 19 wherein the method acts undertaken by the computer system further include configuring said system to collate said collation key via a comparator.
27. The computer system of claim 19 wherein the method acts undertaken by the computer system further include configuring said system to display said records.